

## **REMARKS/ARGUMENTS**

Claims 1-5, 8, 10-17, 22, 27, 33, 39, 42-50, 55-58, 63-66, 69-74, and 79-81 are pending in the application and all are rejected as obvious under 35 U.S.C. § 103.

### ***Claim Amendments***

The foregoing amendment of independent method claim 1 and claims 10, 11, 16, 22, 39, 42, 79 and 80 depending on claim 1 and independent system claim 63 clarify a financial transaction smart card and a financial transaction smart card application. (See, e.g., Specification, p. 5, lines 3-13; p. 6, lines 11-13; and p. 8, line 20-p. 9, line 6). Support for the foregoing amendment is found throughout the specification and in the claims as noted above, and no new matter is added.

### ***Claim Rejections - 35 U.S.C. § 103***

Claims 1-5, 8, 10-17, 22, 27, 33, 39, 42-50, 55-58, 63-66, 69-74, and 79-81 stand rejected under 35 U.S.C. § 103(a) as obvious over Gutman (USPN 5,221,838) in view of Daggar (USPN 5,748,737) and Coutts (USPN 5,563,393). The rejection is traversed and reconsideration is requested. The references asserted do not teach or suggest the claimed invention.

The proposed modification of Gutman in view of Daggar and Coutts lacks one or more limitations recited in each of independent claims 1 and 63 in at least the following respects:

- As acknowledged by the examiner, Gutman fails to teach or suggest a method of contactless interfacing for a financial transaction smart card, in which a user is allowed to establish a physical contact bi-directional communication interface between the financial transaction smart card and a hand-held computing device for accessing a financial transaction smart card application on a microcomputer of the financial transaction smart card, as recited in amended claims 1 and 63. Instead, Gutman teaches nothing more than a magnetic stripe card reader/writer of an “electronic wallet” that reads and writes magnetic data on a magnetic stripe. (See,

e.g., Gutman, Col 5, line 44-Col 6, line 9). It is self-apparent that bi-directional communication with a simple magnetic stripe is impossible and that a magnetic stripe card is incapable of having a bi-directional communication interface with a hand-held computing device or with anything else. Taking the Examiner's claim that reading from and writing to a magnetic stripe card is a bi-directional communication to its logical conclusion would compel one to conclude that reading from and writing on a sheet of paper is likewise a bi-directional communication with the paper, which is simply not true.

- Nor does Gutman teach or suggest a method of contactless interfacing for a financial transaction smart card in which the user is allowed to initiate a contactless bi-directional communication interface via the hand-held computing device as a conduit between the financial transaction smart card application on the microcomputer of the financial transaction smart card and a self-service transaction terminal of an on-line system of a financial institution, as recited in amended claims 1 and 63. On the contrary, Gutman teaches nothing more than wireless bi-directional communication directly between the hand-held computing device itself and a financial institution. (See, e.g., Gutman, Col 12, line 64-Col 13, line 23; Col 14, line 17-Col 15, line 5). It is likewise self-apparent that the magnetic stripe card is incapable of bi-directional communication and that it is simply impossible to initiate a bi-directional communication interface via the hand-held computing device between the magnetic stripe card and a self-service transaction terminal or anything else.
- Daggar fails to remedy the deficiencies of Gutman. On the contrary, instead of a method of contactless interfacing for a financial transaction smart card in which the user is allowed to initiate a contactless bi-directional communication interface via the hand-held computing device as a conduit between the financial transaction smart card application on the microcomputer of the financial transaction smart card and a self-service transaction terminal of an on-line system of a financial institution, as recited in amended claims 1 and 63, Daggar teaches downloading and storing smart card applications to the hand-held computing device and thereafter choosing one of the downloaded applications (referred to by Daggar as "digital cards") on the hand-held

device to perform a transaction using only the hand-held device and eliminating any need for a smart card, and/or in turn further downloading the “digital cards” stored on the hand-held device to a “generic multimedia card” which can then be carried around and used without the hand-held device. (See, e.g., Daggar, Col 12, lines 1-8; Col 13, lines 13-27; and Col 18, lines 45-41). Thus, instead of a hand-held computing device as a conduit between the financial transaction smart card application on the microcomputer of the financial transaction smart card and a self-service transaction terminal,, as recited in amended claims 1 and 63, Daggar proposes to eliminate the use of separate individual smart cards entirely by downloading the smart card applications to the hand-held device and/or thereafter downloading the stored smart card applications to still another card.

- Likewise, Coutts fails to remedy the deficiencies of Gutman and Daggar. On the contrary, instead of a method of contactless interfacing for a financial transaction smart card in which the user is allowed to initiate a contactless bi-directional communication interface via the hand-held computing device as a conduit between the financial transaction smart card application on the microcomputer of the financial transaction smart card and a self-service transaction terminal of an on-line system of a financial institution, as recited in amended claims 1 and 63, Coutts teaches a hand-held device (i.e., a note pad personal computer) that has a RF modem (i.e., a PC card, formerly known as a PCMCIA card) by which the hand-held device communicates directly with a terminal (i.e., an ATM) to diagnose technical problems. (See, e.g., Coutts, Col 2, line 21-Col 3, line 13). While those of ordinary skill in the art know perfectly well the difference between a smart card and a modem card, the foregoing amendment puts to rest any argument about the meaning of those respective terms. Further, as pointed out by the applicants in the Specification, potential drawbacks of using a hand-held computing device to communicate directly with an ATM in a financial transaction without the smart card include, for example, the very high level of security required for the hand-held device and the necessity of reconciling the hand-held device with the smart card after the transaction. (See, e.g., Specification, p. 11, lines 1-19, and Fig. 9.)

Consequently, Gutman and/or Daggar and/or Coutts, separately or in combination with one another, do not recite the required combination of limitations of amended independent claims 1 and / or 63. Because the cited references, either alone or in combination, do not teach the limitations of independent claims 1 and / or 63, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

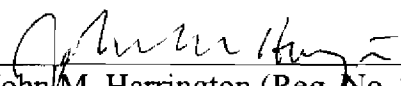
The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1 and 63, and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-5, 8, 10-17, 22, 27, 33, 42-50, 55-58, and 79-81 that depend on claim 1 and claims 64-66 and 69-74 that depend on claim 63 and which recite further specific elements that have no reasonable correspondence with the references.

### Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

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